



General Assembly

January Session, 2009

Amendment

LCO No. 8130

HB0634008130HDO

Offered by:

REP. HAMM, 34th Dist.
REP. LAWLOR, 99th Dist.
REP. URBAN, 43rd Dist.
REP. WALKER, 93rd Dist.
REP. GONZALEZ, 3rd Dist.
REP. GREEN, 1st Dist.

REP. OLSON, 46th Dist.
REP. HURLBURT, 53rd Dist.
REP. DILLON, 92nd Dist.
REP. MORRIS, 140th Dist.
REP. REEVES, 143rd Dist.
REP. BARAM, 15th Dist.

To: Subst. House Bill No. 6340

File No. 727

Cal. No. 470

"AN ACT CONCERNING JUDICIAL BRANCH OPENNESS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 46b-122 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2009*):

5 (a) All matters which are juvenile matters, as provided in section
6 46b-121, shall be kept separate and apart from all other business of the
7 Superior Court as far as is practicable, except matters transferred
8 under the provisions of section 46b-127, which matters shall be
9 transferred to the regular criminal docket of the Superior Court. [Any]
10 Except as provided in subsection (b) of this section, any judge hearing
11 a juvenile matter may, during such hearing, exclude from the room in

12 which such hearing is held any person whose presence is, in the court's
13 opinion, not necessary, except that in delinquency proceedings, any
14 victim shall not be excluded unless, after hearing from the parties and
15 the victim and for good cause shown, which shall be clearly and
16 specifically stated on the record, the judge orders otherwise. For the
17 purposes of this section, "victim" means a person who is the victim of a
18 delinquent act, a parent or guardian of such person, the legal
19 representative of such person or an advocate appointed for such
20 person pursuant to section 54-221.

21 (b) The Judicial Department shall establish, in a superior court for
22 juvenile matters location designated by the Chief Court Administrator,
23 a pilot program to increase public access to proceedings in which a
24 child is alleged to be uncared for, neglected, abused or dependent or is
25 the subject of a petition for termination of parental rights. In any
26 proceeding under this subsection, the judge may order that such
27 proceeding be kept separate and apart and heard in accordance with
28 subsection (a) of this section, upon motion of any party for good cause
29 shown, after considering the best interest of the child. After
30 consultation with the Juvenile Access Pilot Program Advisory Board
31 established pursuant to section 502 of this act, the Judicial Department
32 shall adopt policies and procedures for the operation of the pilot
33 program.

34 (c) Nothing in this section shall be construed to affect the
35 confidentiality of records of cases of juvenile matters as set forth in
36 section 46b-124.

37 Sec. 502. (*Effective from passage*) (a) There is established a Juvenile
38 Access Pilot Program Advisory Board. The board shall consist of the
39 following members:

40 (1) The Chief Court Administrator, or the Chief Court
41 Administrator's designee;

42 (2) An attorney who represents children in proceedings in which a
43 child is alleged to be uncared for, neglected, abused or dependent,

44 appointed by the Speaker of the House of Representatives;

45 (3) An attorney who serves as a guardian ad litem in proceedings in
46 the juvenile court, appointed by the president pro tempore of the
47 Senate;

48 (4) A member or former member of the media who has experience
49 reporting on juvenile matters, appointed by the majority leader of the
50 House of Representatives;

51 (5) An attorney who represents parents in proceedings in which a
52 child is alleged to be uncared for, neglected, abused or dependent,
53 appointed by the majority leader of the Senate;

54 (6) An attorney under contract with the Chief Child Protection
55 Attorney pursuant to section 46b-123d of the general statutes,
56 appointed by the minority leader of the House of Representatives;

57 (7) A social worker employed by or under contract with the
58 Department of Children and Families, appointed by the minority
59 leader of the Senate;

60 (8) A judge of the Superior Court assigned to hear juvenile matters,
61 appointed by the Chief Justice of the Supreme Court;

62 (9) An assistant attorney general assigned to the Child Protection
63 Unit within the Office of the Attorney General, appointed by the
64 Attorney General;

65 (10) An employee of the Department of Children and Families from
66 the division of the department that provides child welfare services,
67 appointed by the Commissioner of Children and Families;

68 (11) The Chief Child Protection Attorney, or the Chief Child
69 Protection Attorney's designee;

70 (12) The Child Advocate, or the Child Advocate's designee;

71 (13) The Chief Public Defender, or the Chief Public Defender's

72 designee; and

73 (14) The Chief State's Attorney, or the Chief State's Attorney's
74 designee.

75 (b) All appointments to the board shall be made not later than thirty
76 days after the effective date of this section. Any vacancy shall be filled
77 by the appointing authority.

78 (c) The Chief Court Administrator and the attorney appointed
79 pursuant to subdivision (2) of subsection (a) of this section shall serve
80 as chairpersons of the advisory board. The chairpersons shall schedule
81 the first meeting of the board, which shall be held not later than sixty
82 days after the effective date of this section.

83 (d) The Juvenile Access Pilot Program Advisory Board shall (1)
84 review methods used in other states to increase public access to
85 juvenile court proceedings of a similar nature to proceedings subject to
86 the pilot program; (2) monitor the progress made by the Judicial
87 Department in implementing the pilot program pursuant to section
88 46b-122 of the general statutes, as amended by this act; (3) not later
89 than December 31, 2010, submit written recommendations concerning
90 the pilot program to the Judicial Department and the joint standing
91 committees of the General Assembly having cognizance of matters
92 relating to the judiciary and human services, in accordance with
93 section 11-4a of the general statutes, with respect to such
94 implementation and the pilot program; and (4) provide consultation to
95 the Judicial Department pursuant to subsection (b) of section 46b-122
96 of the general statutes, as amended by this act, regarding policies and
97 procedures adopted pursuant to said section.

98 (e) The board shall terminate on January 1, 2011.

99 Sec. 503. (*Effective October 1, 2009*) The Judicial Department shall
100 conduct a comprehensive review of the pilot program established
101 pursuant to section 46b-122 of the general statutes, as amended by this
102 act. Not later than December 31, 2010, the Chief Court Administrator

103 shall submit a report on such comprehensive review and the pilot
104 program, in accordance with section 11-4a of the general statutes, to
105 the joint standing committees of the General Assembly having
106 cognizance of matters relating to the judiciary and human services. At
107 a minimum, the report shall include: (1) An assessment of the pilot
108 program's effectiveness in balancing the interest in public access to
109 proceedings included in the pilot program against the best interests of
110 the children who are the subject of such proceedings; and (2) a
111 recommendation on whether, and to what extent, the pilot program
112 should be continued at the established juvenile matters location or
113 expanded to other juvenile matters locations in the state."